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PATENT  
ATTORNEY DOCKET NO.: 049601-5001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner of Patents  
**BOX PATENT APPLICATION**  
Washington, D.C. 20231

**TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION  
UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventors: Robert Douglas et al.

For: "APPARATUS AND METHOD FOR ADJUSTING FILTER FREQUENCY IN  
RELATION TO SAMPLING FREQUENCY"

1. This is a new ☒ Utility ☐ Design ☐ Plant patent application.

2. The papers enclosed to obtain a filing date are as follows:

16 Pages of Specification

1 Title Page

3 Pages of Claims

1 Page of Abstract

5 Sheets of drawings containing 7 Figures

☐ The enclosed drawings are photographs, and there is also attached a  
PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)

3. Declaration

☒ Enclosed and is executed by all inventors  
☐ Not Enclosed.

This application is being filed under the provisions of 37 C.F.R. §1.53(f).  
Applicant(s) await notification from the Patent and Trademark Office of  
the time set for filing the Declaration and paying the filing fees.

## 4. Language

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☐

English

Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

## 5. Assignment

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An assignment of the invention to Optimum Power Technology, L.P. and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

An assignment will be filed at a later date.

## 6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign application is claimed:

Country	Application No.	Filed

Certified copy: ☐ is attached. ☐ will follow.

## 7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

☒ Priority of the following provisional application(s) is claimed:

Application No.	Filed
60/273,126	March 3, 2001

## A. Relate Back - 35 U.S.C. §119(e)

☐

Amend the specification by inserting before the first line the sentence:  
 "This application claims priority of copending provisional application(s)  
 No. \_\_\_\_\_ filed on \_\_\_\_\_."

## 8. Small entity status

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Applicant(s) hereby assert(s) small entity status under 37 C.F.R. § 1.27.

## 9. Fee Calculation (37 C.F.R. §1.16)

	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$740.00 Design \$330.00
			BASIC FEE	740.00
Total Claims (37 C.F.R. §1.16(c))	14 - 20 =	0	18.00	0
Independent Claims (37 C.F.R. §1.16(b))	3 - 3 =	0	84.00	0
Multiple dependent claim(s), if any (37 C.F.R. §1.16(d))			280.00	
			<b>SUB-TOTAL =</b>	<b>740.00</b>
			Reduction by 1/2 for filing by a small entity	370.00
			<b>TOTAL FILING FEE =</b>	<b>\$370.00</b>

## 10. Fee Payment

- ☐ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**  
This application is being filed under the provisions of 37 C.F.R. §1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.
- ☒ The Commissioner is hereby authorized to charge the basic filing fee of \$370.00 and the assignment recording fee of \$80.00 to Deposit Account No. 50-0310.

11. ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

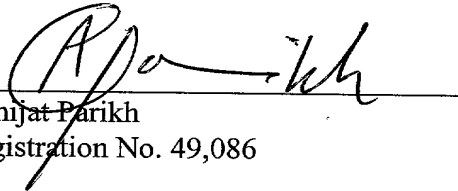
12. Additional papers enclosed:

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, \_\_\_\_\_ document included
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

**Please accord this application an application number and filing date.**

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

  
Abhijit Parikh  
Registration No. 49,086

Dated: March 1, 2002  
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03-04-02

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Docket No. 049601-5001

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Robert Douglas et al.  
Serial No. Not Yet Assigned  
Filed: Concurrently Herewith  
For: "APPARATUS AND METHOD FOR ADJUSTING FILTER  
FREQUENCY IN RELATION TO SAMPLING FREQUENCY"

BOX PATENT APPLICATION  
Commissioner for Patents  
Washington, D.C. 20231

**EXPRESS MAIL CERTIFICATE**

"Express Mail" label number EJ836475243US  
Date of Deposit March 1, 2002

I hereby state the following papers are attached hereto:

Transmittal Letter (4 pages and duplicate copy), U.S. Patent Application entitled "APPARATUS AND METHOD FOR ADJUSTING FILTER FREQUENCY IN RELATION TO SAMPLING FREQUENCY", comprising a specification (17 pages) with title page, claims (3 pages), Abstract of the Invention (1 page), Drawings (5 sheets), Declaration (3 pages), Recordation Form Cover Sheet (1 page and duplicate copy), Assignment (2 pages) and filing fee of \$370.00 and recordation fee of \$80.00 and any additional fees required in connection with this filing being authorized to be charged to Deposit Account No. 50-0310

which are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Dawna E. Mozes

Typed or printed name of person mailing paper

Dawna E. Mozes  
Signature of person mailing paper